APPENDIX A

IN THE UNITED STATES COURT OF CLAIMS

No. 47-60 — 48-60

STEPHEN L. KREZNAR, NOVERA HERBERT SPECTOR

v.

THE UNITED STATES

Order

These cases come before the court on plaintiffs' motions for summary judgment and defendant's alternative motions for summary judgment or to suspend proceedings. Upon consideration thereof, together with the opposition thereto, the briefs of the parties and the oral argument of counsel,

IT IS ORDERED that further proceedings, including action with regard to the motions for summary judgment, be and the same are suspended pending plaintiffs' pursuit and completion of the administrative remedies available through the Department of Defense, which proceedings are to be instituted and completed within a reasonable time.

BY THE COURT,

MARVIN JONES,
Chief Judge.

Jun 22 1962

APPENDIX B

United States Constitution, Amendment V:

> No person shall be * * * * deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Department of Defense Directive 5220.6, 20 Fed. Reg. 1553, issued February 2, 1955: * * * par. 26:

> *Monetary Restitution.* In cases where a final determination is favorable to a contractor employee, the department whose activity originally forwarded the case to the Director will reimburse the contractor employee in an equitable amount for any loss of earnings during the interim resulting directly from a suspension of clearance. Such amount shall not exceed the difference between the amount the contractor employee would have earned at the rate he was receiving on the date of suspension and the amount of his interim net earnings. No contractor employee shall be compensated for any increase in his loss of earnings caused by his voluntary action in unduly delaying the processing of his case under this regulation.

Department of Defense Directive 5220.6, 25 Fed. Reg. 7523, issued July 28, 1960:

> V. *Miscellaneous*
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> * * * B. *Reconsideration of Prior Decisions* * * *
> 1. Decisions rendered under any industrial personnel review program prior to the effective date of this Regulation which denied or revoked an access authorization may be reconsidered by such boards as the Director deems appropriate at the request of the applicant, addressed through the Director, after a finding by the appropriate board that there is newly discovered evi-

dence or that other good cause has been shown. Whenever a final determination of denial or revocation based upon a personal appearance proceeding is found to have been unauthorized at the time it was made, authority is hereby delegated to the Director, Office of Industrial Personnel Access Authorization Review, to vacate such final determination and all subsequent administrative action predicated thereon and to take such other steps as may be deemed necessary to complete reconsideration of the case.

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C. *Monetary Restitution*

If an applicant suffers a loss of earnings resulting directly from a suspension, revocation, or denial of his access authorization, and at a later time a final administrative determination is made that the granting to him of an access authorization at least equivalent to that which was suspended, revoked or denied, would be clearly consistent with the national interest and it is determined by the board making a final favorable determination that the administrative determination which resulted in the loss of earnings was unjustified, reimbursement of such loss of earnings may be allowed in an amount which shall not exceed the difference between the amount the applicant would have earned at the rate he was receiving on the date of suspension, revocation, or denial of his access authorization and the amount of his interim net earnings. The filing and processing of any such claim shall be in accordance with such regulations as the Secretary of Defense may prescribe after consultation with the Administrators. Payment shall be limited to claims administratively determined to be just and equitable. No applicant shall be compensated for any increase in his loss of earnings caused by his voluntary action in unduly delaying the processing of his case under any industrial personnel

review program. Payments under this provision shall be in full satisfaction of any and all claims, of whatever nature they may be, which the applicant has or may assert against the United States, or the Department of Defense or any of its agencies or activities, or the Federal Aviation Agency, or the National Aeronautics and Space Administration, or any of them, by reason of or arising out of the suspension, revocation or denial of access authorization.